

Kaplan

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X 08-4397
DARIOUS PETERSON, (Kaplan, Judge)

Plaintiff,

-against-

NEW YORK CITY, POLICE OFFICER
JOSEPH CRUZADO SHIELD # 11022,
LIEUTENANT DAVID MELTZER,
POLICE OFFICER DONNELL MYERS SHIELD# 10314,
POLICE OFFICER JOHN CHAVETTE SHIELD # 12920,
SGT DIGENNARO SHIELD # 906107,
POLICE OFFICER KEITH HORN SHIELD # 2076
POLICE OFFICER MATTHEW KLEIN SHIELD # 6183
and UNIDENTIFIED NEW YORK CITY POLICE OFFICERS.

JUDGMENT

Defendant(s).

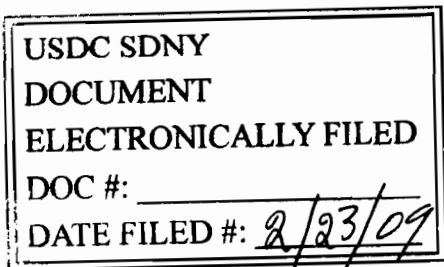
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Defendant New York City having made an Offer of Judgment pursuant to Rule 68 of the Federal Rules of Civil Procedure offering to allow plaintiff, Darius Peterson, to take judgment against it in this action for the sum of Twenty Five Thousand and One Dollars (\$25,001.00) plus reasonable attorneys's fees, expenses and costs to the date of the offer, February 13, 2009, and whereas the plaintiff has accepted said offer by letter dated February 16, 2009 and served said acceptance on the City of New York on February 17, 2009;

It is Ordered and Adjudged

That the plaintiff, Darius Peterson, recover of the defendant, New York City, the sum of Twenty Five Thousand and One Dollars (\$25,001.00) payable within ninety (90) days plus reasonable attorneys's fees, expenses and costs to February 13, 2009, pursuant to 42 U.S.C. § 1988, Local Civil Rule 54.1, and all other applicable law to the extent such is approved by the Court and post-judgment interest thereon, if any, to the extent permitted by law.

Dated: New York, New York
February 17, 2009



[Signature]

U.S.D.J.
2/23/09

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
DARIOUS PETERSON,

Plaintiff,

08 CV 4397 (LAK)

against

THE CITY OF NEW YORK, et al

Defendants.

RULE 68 NOTICE
----- x

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, defendant City of New York hereby offers to allow plaintiff, Darius Peterson, to take judgment against it in this action for the sum of Twenty Five Thousand and One Dollar (\$25,001.00), plus reasonable attorneys' fees, expenses and costs to the date of this offer for plaintiff's federal claims.

This judgment shall be in full satisfaction of all federal and state law claims or rights that plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of the defendants or any official, agent, or employee, either past or present, of the City of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action.

This offer of judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure; it is not to be construed as an admission of liability by any defendant, official, employee, representative, or agent, past or present, of the City of New York, or any agency thereof; nor is it an admission that plaintiff has suffered any injury or damages.

Acceptance of this offer of judgment will act to release and discharge the defendants; their successors or assigns, and all past and present officials, employees,

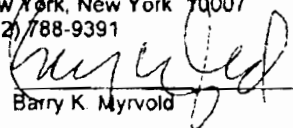
representatives and agents of the City of New York, or any agency thereof, from any and all claims that were or could have been alleged by plaintiff in the above-referenced action. Acceptance of this offer of judgment also will operate to waive plaintiff's right to any claim for interest on the amount of the judgment. Plaintiff agrees that payment of \$25,001.00 within 90 days of the offer shall be a reasonable time for such payment. The judgment shall contain and recite the terms and conditions set forth herein.

DATED: New York, New York
February 13, 2009

Respectfully submitted,

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
CITY OF NEW YORK, JOSEPH
CRUZADO, DAVID MELTZER, DONNELL
MYERS, JOHN CHAVETTE, JOSEPH
DIGENNARO, KEITH HORN AND
MATTHEW KLEIN
100 Church Street, Room 3-162
New York, New York 10007
(212) 788-9391

By:


Barry K. Myrvold

FRED LICHTMACHER

ATTORNEY AT LAW
350 FIFTH AVENUE, SUITE 1100
NEW YORK, NEW YORK 10019

TELEPHONE (212) 922-9966
FACSIMILE (212) 922-9977

February 16, 2009

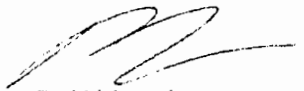
Assistant Corporation Counsel
Barry Myrvold
100 Church Street
New York, New York 10007
Fax # (212) 788-9776

Re: Peterson v NYC et al, 08 cv 4397 (Kaplan, J)

Mr. Myrvold,

Pursuant to Plaintiff's instructions I hereby accept Defendants' Rule 68 Offer. Let me know what documents you require the Plaintiff to sign and we will do so as soon as we receive them.

Very truly yours,



Fred Lichtmacher

FAX COVER SHEET

Fred Lichtmacher

*The Empire State Building
350 5th Avenue Suite 7116
New York, New York 10118
(212) 922-9066
Fax # (212) 922-9077*

February 16, 2009

Assistant Corporation Counsel

Barry Myrvold

100 Church Street
New York, New York 10007
Via Fax (212) 788-9776

Re: Peterson v NYC et al, 08 cv 4397 (Kaplan, J)

FROM: Fred Lichtmacher

Number of pages transmitted including cover sheet: 2

HARD COPY TO FOLLOW Yes X No
FCC FILED Yes X No

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HP Color LaserJet

Fax Confirmation Report

Job # 10000000000000000000

Date: 01/10/2009

Job	Date	Time	Type	Identification	Duration	Pages	Result
10000000000000000000	01/10/2009	11:11:11 AM	Standard	NYC 00000000000000000000	00:00:00	00000000000000000000	Success

FAX COVER SHEET

Fred Lichtmacher
The Empire State Building
150 W. Avenue Suite 1118
New York, New York 10118
(212) 825-1000
Fax # (212) 922-9070

January 10, 2009

Attention: Corporation Counsel

Barry Myrvold

100 Church Street
New York, New York 10007
Via Fax (212) 286-9220

Re: Emerson's NYC et al. 00000000000000000000 (Kaplan, J)

FROM: Fred Lichtmacher

Number of pages transmitted including cover sheet: 1

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DARIOUS PETERSON, 08-4397
(Kaplan, Judge)

Plaintiff,

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NEW YORK CITY, POLICE OFFICER
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POLICE OFFICER MATTHEW KLEIN SHIELD # 6183
and UNIDENTIFIED NEW YORK CITY POLICE OFFICERS.

Defendant(s).

-----X
AFFIRMATION OF SERVICE

STATE OF NEW YORK)
)
NEW YORK COUNTY)

I, FRED LICHTMACHER, being duly sworn deposes and says:

I am not a party to the action, I am an attorney admitted to the practice of law in New York and I am the plaintiff's attorney in this cause of action. I am over the age of 18 years of age and my office is located in the Empire State Building 350 5th Avenue Suite 7116, New York, New York 10118, on February 16, 2009, I served the "Plaintiff's Letter Accepting the Rule 68 Offer of Judgment" on the defendants in the above-entitled matter, parties who had previously appeared by counsel by first faxing a copy to a number provided by defendant for that purpose ((212) 788-9776)) and then on February 18, 2009 by depositing a true copy thereof, enclosed in a postage-paid wrapper, in an official depository under the exclusive care and custody of the United States Postal Service, within the State of New York, addressed to each of the following persons at the last known address set forth after each name:

To: Assistant Corporation Counsel
Barry Myrvold
100 Church Street
New York, New York 10007

/ s /

FRED LICHTMACHER
Attorney for plaintiff
The Empire State Building
350 5th Avenue Suite 7116
New York, NY 10118
(212) 922-9066